



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
APPEAL BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Gregory Kowalick

Serial No: 09/552,887

Group Art Unit: 3628

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Examiner: Harish T. Dass

Att. Docket No.: G1131/20001

Confirmation No.: 5005

For: BIOMETRIC GAMING ACCESS SYSTEM

**APPEAL BRIEF UNDER 37 CFR § 1.192**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal filed August 18, 2004 in response to the April 29, 2004 rejection in which claims 1-15 and 17-32 were rejected under 35 U.S.C. §§ 102 and 103(a), applicant respectfully requests reversal of the rejections and allowance of the claims.

**I. REAL PARTY INTEREST**

The real party in interest for this appeal and the present application is the assignee, Gaming System Technologies, LLC of Langhorne, Pennsylvania.

**II. RELATED APPEALS AND INTERFERENCES**

There are presently no pending appeals or interferences known to appellant, appellant's legal representatives or the assignee, which is related to that would directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**III. STATUS OF CLAIMS**

Claims 1-15 and 17-32 are pending and rejected, are the subject of this appeal, and are set forth in the Appendix. Claim 16 is canceled and is not the subject of this appeal.

**IV. STATUS OF AMENDMENTS**

No amendments have been filed after the appealed rejection dated April 29, 2004. The appealed claims are not under final rejection, but all pending claims have been rejected at least twice.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

Essentially, in a primary embodiment, the present invention is directed to a method for cashless and tokenless access to electronic casino gaming apparatus. The crux of the present invention is that a player provides a biometric sample and the account is held in the “name” of the biometric sample. That is, rather than associating the account with a person’s legal name (*e.g.*, John Smith), the only link to the account is the data from the biometric sample. For example, a person may walk up to a casino gaming apparatus and win \$100.00. Rather than receiving the \$100.00, the person provides a biometric sample such as a fingerprint. Through a central computer, an account is opened in the “name” of the biometric sample. The user can walk up to another machine within the system and provide only the biometric sample. The \$100 would be accessible for use, for example, in playing this other machine or obtaining the \$100 in cash, etc. This provides anonymity because *no other data is necessarily associated with the*

*biometric sample*. It is not tied directly to a specific user with a known legal name, address, social security number, etc.

In a first embodiment of the present invention as claimed in independent claim 1, a method for cashless and tokenless access to a plurality of casino gaming apparatus is provided (see spec. at page 5, lines 13-14). The method first includes the step of providing a tokenless biometric registration apparatus 12 (see spec. at page 7, lines 5-21 and FIG. 2) having at least one registration biometric input means 14 for a user to input a biometric sample. This is “means plus function” language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, for example, at page 7, lines 6-8, page 8, lines 1-5 and 16-20. The biometric registration apparatus 12 has at least one payment input means (currency input means 16 or card input means 18) (see FIGS. 2 and 3). This is “means plus function” language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, for example, at page 7, lines 10-14, page 8, line 2 and page 9, lines 17-18. The biometric registration apparatus 12 is connected to a central computer 20 (see FIG. 1) having a central data repository 22 (see FIG. 1) containing unique players’ accounts for all players on the system (see spec. at page 7, lines 14-19).

The method further includes the step of providing a plurality of gaming apparatus 26a, 26b, 26c, 26s, 26v (see spec. at page 7, lines 4-5 and at page 8, lines 13-14) where each gaming apparatus is connected to the central computer (see spec. at page 8, line 21 to page 9, line 2) (see FIG. 1). Each gaming apparatus has at least one gaming apparatus biometric input means 28, 28s, 28v (see spec. at page 8, lines 15-21 and FIGS. 4 and 5). This is “means plus function”

language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification at page 8, lines 15-21. The gaming apparatus also has a player logoff means 32, 32s, 32v. This is “means plus function” language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, for example, at page 9, lines 6-9.

Next, the method includes the step of registering a player. Registering the player (see FIG. 1) includes the steps of inputting at least one biometric sample of the player (see spec. at page 5, lines 5-8) into the registration biometric input means 14 (see spec. at page 8, lines 15-21 and FIGS. 4 and 5), storing unique biometric data created by the biometric input means in the central data repository 22 (see spec. at page 7, lines 14-19) but not associating the unique biometric data with other details of identity of the player (see spec. at page 8, lines 6-11), inputting into the payment input means 16, 18 an amount of money (see spec. at page 7, lines 9-14), and storing the amount of money input in a unique player’s account in the central computer (see spec. at page 7, lines 14-15) associated with the at least one biometric sample of the player.

The method next includes the step of identifying the player at one of the plurality of gaming apparatus 26a, 26b, 26c, 26s, 26v (FIGS. 4 and 5) by the player entering a gaming apparatus biometric sample input into the one of the plurality of gaming apparatus biometric input means 28, 28s, 28v (see spec. at page 8, lines 12-21) and comparing it to the unique biometric data stored in the central data repository (see spec. at page 8, line 20 to page 9, line 1). The method then follows with the step of authorizing the player at the gaming apparatus 26a, 26b, 26c, 26s, 26v on which he or she is playing to play (see spec. at page 9, lines 1-4). The

method then proceeds with the step of debiting and or crediting the unique player's account based on the player's wins and losses at the gaming apparatus (see spec. at page 9, lines 4-5) until the player logs off using player logoff means 32 (see spec. at page 9, lines 6-9) or until the player's account is exhausted (see spec. at page 9, line 22 to page 10, line 1). The player is then paid any money remaining in the player's account after the player no longer desires to play (see spec. at page 9, lines 10-15).

A player can move to another of the plurality of gaming apparatus (see spec. at page 9, lines 8-10), input a biometric sample into one of the at least one gaming apparatus biometric input means, play the gaming apparatus for a period of time, and log off the gaming apparatus, the unique player's account being credited and debited for wins and losses on the gaming apparatus (see spec. at page 10, lines 12-15).

Dependent claim 4 includes "means plus function" language in the "payout biometric input means" 36 as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, in the payout machine biometric registration apparatus 36 for example, at page 9, lines 6-14.

Dependent claim 10 states that the gaming apparatus may be generic access machines. See page 12, lines 3-13.

In an alternate embodiment of the present invention, as claimed in independent claim 13, essentially the same limitations are included as in claim 1. However, claim 13 does not include the limitation that the unique biometric data is not associated with other details of identity of the player. Instead, claim 13 includes an additional limitation in paragraph (h) that the unique

biometric data and the unique player's account is purged from the central computer after the step of paying the player any money remaining in the player's account to provide for privacy of the player. Claim 13 was originally filed as a claim that depended from claim 1 (see spec. at claim 13, paragraph h, as originally filed, and claim 21, as originally filed). While this is not explicitly stated in the detailed description, summary or background of the specification, claims 1 and 22, as originally filed, include this limitation. This further provides for increased privacy of the player.

Claim 13 includes "means plus function" language: as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph. The biometric input means part numbers 14 provides for a user to input a biometric sample. This is noted in the specification, for example, at page 7, lines 6-8, page 8, lines 1-5 and 16-20. The biometric registration apparatus 12 has at least one payment input means (currency input means 16 or card input means 18). This is "means plus function" language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, for example, at page 7, lines 10-14, page 8, line 2 and page 9, lines 17-18. Finally, the player logoff means is "means plus function" language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, for example, at page 9, lines 6-9.

In an alternate embodiment of the present invention, as claimed in independent claim 17, the method is essentially expanded to access a "financial account" (rather than being limited to a casino account) through kiosks rather than at gaming machines. See spec. at page 12, lines 3-13. The method includes the steps of providing a tokenless biometric registration apparatus 12 (see

spec. at page 7, lines 5-21) having at least one registration biometric input means 14 for a user to input a biometric sample (see spec. at page 7, lines 6-8). The biometric registration apparatus 12 has at least one payment input (currency) means 16 (see spec. at page 7, lines 10-14). The biometric registration apparatus 12 is connected to a central computer 20 having a central data repository 22.

The method further includes the step of providing a plurality of kiosks (see page 12, lines 3-13), each kiosk connected to the central computer 20 (see spec. at page 8, lines 21 to page 2, line 2). Each kiosk has at least one kiosk biometric input means (see spec. at page 8, line 15-21 and FIGS. 4 and 5). A user is then registered (see FIGS. 1 and 2), which includes the steps of inputting at least one biometric sample of the user (see spec. at page 5, lines 5-8) into the registration biometric input means (see spec. at page 8, lines 15-21 and FIGS. 4 and 5), storing unique biometric data created by the biometric input means in the central data repository (see spec. at page 7, lines 14-19), but not associating the unique biometric data with other details of identity of the player (see spec. at page 8, lines 6-11), inputting into the payment input means an amount of money (see spec. at page 7, lines 9-14), and storing the amount of money input in a unique user's account in the central computer (see spec. at page 7, lines 14-15) associated solely with the at least one biometric sample of the user.

The method of this embodiment further includes the step of identifying the user at one of the plurality of kiosks by the user entering a kiosk biometric sample input into the one of the plurality of kiosk biometric input means (see spec. at page 8, lines 12-21) and comparing it to the

unique biometric data stored in the central data repository (see spec. at page 8, line 20 to page 9, line 1). The method then follows with the step of authorizing the user at the one of the plurality of kiosks to access the unique user's account for a transaction (see spec. at page 9, line 1-4). The method then proceeds with the step of debiting and or crediting the unique player's account based on the transaction (see spec. at page 9, lines 4-5). Finally, the user is paid any money remaining in the user's account when the user desires to cancel the unique user's account (see spec. at page 9, lines 10-15).

Claim 17 includes "means plus function" language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph. The biometric input means 14 provides for a user to input a biometric sample. This is noted in the specification, for example, at page 7, lines 6-8, page 8, lines 1-5 and 16-20. The biometric registration apparatus 12 has at least one payment input means (currency input means 16 or card input means 18). This is "means plus function" language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, for example, at page 7, lines 10-14, page 8, line 2 and page 9, lines 17-18. Finally, the player logoff means is "means plus function" language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, for example, at page 9, lines 6-9.

In another alternate embodiment of the present invention as claimed in independent claim 24 (see FIG. 6), the method is similar to that of the first embodiment (see claim 1). See, generally, page 10, line 4 to page 11, line 3. This embodiment is directed to a method for cashless and tokenless access to a plurality of casino gaming apparatus (see spec. at page 5, lines



13-14) where the method includes the steps of providing the plurality of gaming apparatus 26a', 26b', 26c' (see spec. at page 10, line 12 and page 8, lines 13-14) where each gaming apparatus is connected to a central computer 20' (see spec. at page 10, line 11 and page 8, lines 21 to page 9, line 2). Each gaming apparatus has a central data repository 22' (see spec. at page 7, lines 14-19) and at least one gaming apparatus biometric input means 14" (see FIG. 6 and spec. at page 10, line 17 and page 7, lines 6-8) and a money (currency or card) input means 16, 18 (see spec. at page 7, lines 10-14). The method continues with the step of allowing a player to play on any of the gaming apparatus by inputting money into the money input means (see spec. at page 9, lines 1-4).

Claim 24 includes "means plus function" language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph. The biometric input means 14" provides for a user to input a biometric sample. This is noted in the specification, for example, at page 7, lines 6-8, page 8, lines 1-5 and 16-20. The biometric registration apparatus 12 has at least one money input means (currency input means 16 or card input means 18). This is "means plus function" language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, for example, at page 7, lines 10-14, page 8, line 2 and page 9, lines 17-18.

After the player plays on a gaming apparatus (see spec. at page 10, lines 4-11), the player registers which includes the steps of inputting at least one biometric sample of the player into the gaming apparatus biometric input means 28' (see spec. at page 10, lines 10-13), storing unique biometric data created by the biometric input means in the central data repository (see spec. at

page 7, lines 14-19), but not associating the unique biometric data with other details of identity of the player (see spec. at page 8, lines 6-11) crediting to a unique player's account in the central computer an amount of money associated with the at least one biometric sample of the player (see spec. at page 10, line 15). The player then may play on another of the gaming apparatus by inputting money into the money input means or by accessing the unique player's account of the player by inputting the biometric sample of the player into the gaming apparatus biometric input means 28' and comparing the biometric sample to the unique biometric data stored in the central data repository (see spec. at page line 12-22). The method goes on to include the step of debiting and or crediting the unique player's account based on the player's wins and losses at the other gaming apparatus (see spec. at page 10, lines 14-15) until the player logs off by exhausting his account (see spec. at page 9, line 22 to page 10, line 1), collecting his winnings (see spec. at page 10, line 16), or until the player inputs the biometric sample of the player into the gaming apparatus biometric input means 18' (see spec. at page 10, lines 15-19 and spec. at page 9, lines 6-8). The biometric sample is compared to the biometric data stored in the central data repository and the unique player's account is credited or debited accordingly (see page 10, lines 12-15)

A player can move to another of the plurality of gaming apparatus, input a biometric sample into one of the at least one gaming apparatus biometric input means 18', play the gaming apparatus for a period of time, and log off the gaming apparatus, the unique player's account being credited and debited for wins and losses on the gaming apparatus. See page 10, lines 4

through page 11, line 5.

Dependent claim 21 includes the additional step of purging the unique biometric data and unique user's account from the central computer after the step of paying the user any money remaining in the user's account. While this is not explicitly stated in the specification, claims 1 and 22, as originally filed, include this limitation.

In another alternate embodiment of the present invention, as claimed in independent claim 24, a method of cashless and tokenless access to a plurality of casino apparatus is provided.

Finally, independent claim 32 is identical to claim 1, as originally filed, but includes providing a "tokenless" biometric registration apparatus in paragraph (a). Additionally, claim 32 does not include a limitation that the biometric data created by the biometric input means stored in the central repository is not associated with details of identity related to a player.

Claim 32 includes "means plus function" language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph. The biometric input means 14 provides for a user to input a biometric sample. This is noted in the specification, for example, at page 7, lines 6-8, page 8, lines 1-5 and 16-20. The biometric registration apparatus 12 has at least one payment input means (currency input means 16 or card input means 18). This is "means plus function" language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, for example, at page 7, lines 10-14, page 8, line 2 and page 9, lines 17-18. Finally, the player logoff means is "means plus function" language as permitted by 35 U.S.C. § 112, 6<sup>th</sup> paragraph and is noted in the specification, for example, at page 9, lines 6-9.

## **VI. GROUND OF REJECTION**

Claims 17, 19-22, 24, and 28-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,902,983 (Crevelt et al.) (hereinafter the Crevelt Patent).

Claims 1-15, 18, 25-27 and 32 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Crevelt Patent in view of U.S. Patent No. 5,960,085 (de la Huerga) (hereinafter, the de la Huerga Patent).

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being obvious over the Crevelt Patent in view of U.S. Patent Publication No. US 2001/0011680A1 (Soltesz et al.).

## **VII. ARGUMENT**

### **A. The Examiner Erred in Rejecting Claims 17, 19-22, 24 and 28-31 for Anticipation Over U.S. Patent No. 5,902,983 (Crevelt) Because the Examiner Did Not Properly Consider the Limitation that the Unique Biometric Data is not Associated with other Details of Identity of the Player**

The Examiner first rejected claims 17, 19-22, 24 and 28-31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,902,983 (Crevelt). This rejection should be reversed by the Board. Regarding claim 17, the Examiner states that Crevelt substantially discloses the current invention including the limitation: “but not associating the unique biometric data with other details of identity of the player.” The Examiner cites Crevelt at col. 4, lines 54 through col. 6, line 9 and col. 12, lines 12-27. This statement is incorrect. Claims 17 and 24 include limitations that the central data repository not associate the unique biometric data created by the biometric input means with details of identity of the player (such as bank account numbers and the like that are tied to a specific individual with a social security number, street address, etc.).

Crevelt teaches a gaming machine that accesses an electronic funds transfer (EFT) system. In Crevelt, the player inserts his or her ATM card, keys in a personal identification number (PIN), requests credits for play on gaming machines, and receives a preset amount of credits which can be converted to plays on a gaming machine. Since this patent deals with withdrawing funds via “EFT,” from a players account such as a bank account, the crux of this patent is to set a limit to the preset amount of credits available for a player such that a cashless system is provided that “protects against rash decisions by some players to divert a large amount of their savings to gaming.” ‘983 Patent at col. 2, lines 27-28.

The present invention does not provide access to a player’s bank account or credit card account that could allow players to divert large amounts of their savings into gaming. In fact, the present invention provides for a player to be entirely anonymous. Crevelt teaches away from the anonymity of a player. In Crevelt, privacy of players is entirely eliminated in that actual credit card or bank account information is required, including access to, for example, social security numbers, home addresses, credit reports, and the like. In the present invention, while one aspect of personal information is required, i.e., the biometric data, this data is not associated with personal data of a user, other than the account established under that biometric data. For example, if the biometric input used in a gaming system network is an eye scan, this data is not associated with other accounts of the users, such as bank accounts and credit card accounts (that are accessible via standard EFT as is well known). The present system does not collect such data. As stated in Crevelt at col. 7, lines 51-56, EFT is described as follows:

As is known to those of skill in the art, EFT hosts are typically mainframe computers which route electronic funds transfer requests and authorization between various sales or services establishments (a casino in this instance) and remote funds depositories such [as] banks or credit unions.

Claim 17 includes the language “but not associating the unique biometric data with other details of identity of the player. ” Crevelt teaches away from this claim limitation. It is therefore respectfully requested that the Board reverse the Examiner’s rejection of claim 17. Since claims 19-22 depend from claim 17, it is also respectfully requested that the Board withdraw the Examiner’s rejection of claims 19-24.

Similarly, the Examiner rejected independent claim 24 and dependent claims 28-31, which depend from claim 24, over Crevelt. Again, the Examiner stated that Crevelt teaches the limitation of “not associating the unique biometric data with other details of identity of the player...” For the reasons asserted above, Crevelt does not teach or suggest this feature, and, in fact, teaches away from this limitation. It is therefore respectfully requested that the Board reverse the Examiner’s rejection of claims 24 and 28-31.

**B. The Examiner Erred in Rejecting Claims 1-12, 14-15, 18, 25-27 and 32 for Obviousness Over U.S. Patent No. 5,902,983 (Crevelt) in view of U.S. Patent No. 5,960,085 (de la Huerga) Because the Examiner Did Not Properly Consider the Limitation that the Unique Biometric Data is not Associated with other Details of Identity of the Player**

The Examiner rejected claims 1-15, 18, 25-27 and 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,902,983 (Crevelt et al.) in view of U.S. Patent No. 5,960,085

(de la Huerga). The rejection of claims 1-15, 18, 25-27 and 32 should be reversed by the Board for the reasons asserted below.

With respect to claim 1, among other things, the Examiner states that Crevelt teaches the limitation of “not associating the unique biometric data (PIN) with other details of identity of the player.” The Examiner states that the “PIN number is associated with the user’s login name and does not associates [sic] with other details or user.”

First, as defined by the present specification, a PIN (a personal identification number) is not biometric data. Biometric data, as defined by the present specification, are fingerprints, hand prints, voice prints, retinal images, or the like. Second, in Crevelt, the PIN is associated with details of identity of the player. In Crevelt, the player inserts his or her ATM card, keys in a personal identification number (PIN), requests credits for play on gaming machines, and receives a preset amount of credits which can be converted to plays on a gaming machine. The combination of a PIN and a card is required to associate a user with a specific account. Since this patent deals with withdrawing funds via EFT from a players account, such as a bank account, the crux of this patent is to set a limit to the preset amount of credits available for a player such that a cashless system is provided that “protects against rash decisions by some players to divert a large amount of their savings to gaming.” ‘983 Patent at col. 2, lines 27-28.

The present invention does not provide access to player’s bank account or credit card accounts that could allow players to divert large amounts of their savings into gaming. In fact, the present invention provides for a player to be entirely anonymous. Crevelt teaches away from

the anonymity of a player. In Crevelt, privacy of players is entirely eliminated in that actual credit card or bank account information is required, including access to, for example, social security numbers, home addresses, credit reports, and the like. In the present invention, while one aspect of personal information is required, i.e., the biometric data, this data is not associated with personal data of a user, other than the account established under that biometric data. For example, if the biometric input used in a gaming system network is an eye scan, data from the eye scan is not associated with other accounts of the users, such as bank accounts and credit card accounts (that are accessible via standard EFT as is well known). The present system does not collect such data. As stated in Crevelt at col 7, lines 51-56, EFT is described as follows:

As is known to those of skill in the art, EFT hosts are typically mainframe computers which route electronic funds transfer requests and authorization between various sales or services establishments (a casino in this instance) and remote funds depositories such [as] banks or credit unions.

It is therefore respectfully requested that the Board reverse the rejection of claim 1.

Dependent claims 2-12 and 14-15 depend from independent claim 1. For the reasons stated above, it is believed that claim 1 is allowable. It is therefore respectfully requested that the Board also reverse the rejection of dependent claims 2-12 and 14.

With respect to claim 18, this claim depends from independent claim 17, which, as asserted above, is believed to be allowable. It is therefore respectfully requested that the Board reverse the Examiner's rejection and pass claim 18 to allowance.



With respect to dependent claims 25-27, these claims depend, directly or indirectly, from independent claim 24. For the reasons asserted above with respect to claim 24, it is asserted that claims 25-27 are allowable.

It is therefore respectfully requested that the Board reverse the rejection of claims 25-27.

**C. The Examiner Erred in Rejecting Claim 13 for Obviousness Over U.S. Patent No. 5,902,983 (Crevelt) in view of U.S. Patent No. 5,960,085 (de la Huerga) because the Examiner Cited Specific Page and Lines in Crevelt that do not in any way Teach or Suggest “Purging Unique Biometric Data”**

With respect to independent claim 13 (and dependent claim 21 that was rejected under 36 U.S.C. § 102 for anticipation above), the Examiner states that, among other things, Crevelt teaches “purging the unique biometric data and the unique player’s account from the central computer after the step of paying the player any money remaining in the player’s account to provide for privacy of the player [C7 L52 to C9 L29].” These pages of Crevelt, cited by the Examiner, do not teach or suggest, in any manner whatsoever, purging unique biometric data and a player’s account from the central computer after the step of paying the player any money remaining in the player’s account. Privacy of the user in that the user is kept entirely anonymous is not a consideration in Crevelt. Crevelt teaches away from such a limitation in that it is directed to EFT transactions which require that data related to the unique player’s account is retained such that transfer of funds can be accomplished. Claim 13 is therefore believed to be allowable over the prior art of record. Citing column 7, lines 52 to column 9, line 29 of Crevelt, the Examiner indicates that this limitation (purging of the data) is taught by Crevelt. The Examiner is incorrect. Crevelt, in fact, does not teach this limitation. The applicant requested

that the Examiner point to a more specific location that the Examiner believes to teach this limitation. The Examiner failed to do so. Claim 13 also includes a limitation that the system is tokenless.

It is therefore respectfully requested that the Board reverse the rejection of claim 13.

**D. The Examiner Erred in Rejecting Claim 32 for Obviousness Over U.S. Patent No. 5,902,983 (Crevelt) in view of U.S. Patent No. 5,960,085 (de la Huerga) Because the Examiner Cited Specific Page and Lines in Crevelt and De La Huerga that do not in any way Teach or Suggest a Tokenless System**

Finally, with respect to independent claim 32, this claim is similar to claim 1 but includes providing a “tokenless” biometric registration apparatus in paragraph (a). The limitations of “not associating the unique biometric data with other personal data related to the player” and “purging the unique biometric data and the unique player’s account from the central computer” are not present. However, Crevelt nor de la Huerga, alone or in combination, teach or suggest a tokenless system. Crevelt has no mention of biometrics or other tokenless system whatsoever. The Examiner states that Crevelt, explicitly, does not disclose an apparatus having biometric input means and a player logoff means. The Examiner states that de la Huerga discloses a system with detection devices (speech recognition and fingerprint scanners) to analyze one or more characteristics of a person accessing the computer. However, de la Huerga is, in fact, directed to a the token itself, *i.e.*, a security badge. The de la Huerga system uses a badge and collects data to provide access to a computer terminal. The badge includes circuitry and transceiver components for transmitting identification information. De la Huerga is explicitly not a tokenless system.

A crucial aspect of the present application, as claimed, is that it operate merely with the use of the biometric data. It is respectfully requested that the Board reverse the rejection of claim 32.

**E. The Examiner Erred in Rejecting Claim 23 for Obviousness Over U.S. Patent No. 5,902,983 (Crevelt) in view of U.S. Patent Publication No. US 2001/0011680A1 (Soltesz et al.) because the Examiner Did Not Properly Consider the Limitation that the Unique Biometric Data is not Associated with other Details of Identity of the Player**

Claim 23 depends from independent claim 17. For the reasons asserted above with respect to the rejection of claims 17, 19-22, 24 and 28-31 under 35 U.S.C. § 102(e), it is asserted that claim 23 is allowable. It is therefore respectfully requested that the Board reverse the rejection of claim 23.

**F. Legal Basis for Nonobviousness Argument**

As stated by the Federal Circuit,

[i]n proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. The Examiner can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.

In re Fritch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992) citing In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

There is no “objective teaching” that any of the prior art cited by the Examiner teaches or suggests the limitation of “not associating the unique biometric data (PIN) with other details of identity of the player” (claims 1-12, 14-15, 18, 25-27 and 32), purging unique data (claim 13),

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providing a tokenless system (claim 23). Without an objective teaching, the obviousness rejection must fail. For those reasons, it is respectfully requested that the Board reverse the rejections for obviousness.

**IX. CONCLUSION**

The claims on appeal are not anticipated under 35 U.S.C. § 102 and are not obvious under 35 U.S.C. § 103. Accordingly, the Honorable Board of Patent Appeals and Interferences is respectfully requested to reverse the pending rejections and allow this application to pass on to issuance.

The fee of \$165.00 for this Brief, as well as any additional charge or credit, is authorized to be charged to the Deposit Account referenced in the accompanying Form PTO/SB/17 (fee transmittal sheet). A single copy of this brief according to newly revised 37 C.F.R. § 41.37 is enclosed.

Respectfully submitted,  
CAESAR, RIVISE, BERNSTEIN,  
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September 28, 2004

By: 

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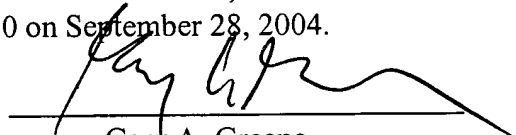
Enclosure: Appendix/Claims

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Application No. 09/552,887  
Appeal Brief Dated September 28, 2004

CERTIFICATE OF MAILING

I hereby certify that the foregoing Appeal Brief re Application Serial No. 09/552,887 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 28, 2004.

  
\_\_\_\_\_  
Gary A. Greene



## APPENDIX

### CLAIMS

1. A method for cashless and tokenless access to a plurality of casino gaming apparatus, said method comprising the steps of:

- (a) providing a tokenless biometric registration apparatus having at least one registration biometric input means for a user to input a biometric sample, said biometric registration apparatus having at least one payment input means, said biometric registration apparatus connected to a central computer having a central data repository;
- (b) providing the plurality of gaming apparatus, each gaming apparatus connected to said central computer, each gaming apparatus having at least one gaming apparatus biometric input means and a player logoff means;
- (c) registering a player comprising the steps of inputting at least one biometric sample of the player into the registration biometric input means, storing unique biometric data created by the biometric input means in the central data repository but not associating the unique biometric data with other details of identity of the player, inputting into the payment input means an amount of money, and storing the amount of money input in a unique player's account in the central computer associated with the at least one biometric sample of the player;
- (d) identifying said player at one of said plurality of gaming apparatus by said player entering a gaming apparatus biometric sample input into said one of said plurality of gaming apparatus biometric input means and comparing it to said unique

biometric data stored in said central data repository;

- (e) authorizing said player at said one of said plurality of gaming apparatus to play on said one of said plurality of gaming apparatus;
- (f) debiting and or crediting said unique player's account based on the player's wins and losses at the gaming apparatus until said player logs off using said player logoff means or until said player's account is exhausted; and
- (g) paying said player any money remaining in said player's account after said player no longer desires to play;

whereby a player can move to another of the plurality of gaming apparatus, input a biometric sample into one of the at least one gaming apparatus biometric input means, play the gaming apparatus for a period of time, and log off the gaming apparatus, said unique player's account being credited and debited for wins and losses on the gaming apparatus.

2. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, wherein the step of providing the plurality of gaming apparatus with the player logoff means includes providing a player logoff proximity sensor.

3. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, wherein the step of providing the plurality of gaming apparatus with the player logoff means includes providing a player logoff button.

4. A method for cashless and tokenless access to a plurality of casino gaming apparatus

according to claim 1, where the step of paying said player money remaining in said player's account includes providing a payout machine having a payout biometric input means.

5 . A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 4, where the step of providing the payout machine includes providing a payout machine that is integral to at least one of said casino gaming apparatus.

6 . A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the steps including providing the registration biometric input means and the gaming apparatus biometric input means that utilize fingerprints, hand prints, retina scans, or voice prints.

7 . A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the step including providing the payment input means includes providing a payment input means that accepts credit cards, debit cards, or money access cards.

8 . A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the step including providing the payment input means includes providing a payment input means that accepts currency.

9 . A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the step of providing the plurality of gaming apparatus includes



providing slot machines and video gaming machines.

10 . A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the step of providing the plurality of gaming apparatus includes providing generic access machines.

11 . A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, further including the step of collecting player data related to players' use of said plurality of casino gaming apparatus to the central computer having the central data repository.

12 . A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 11, where the player data collected includes data concerning type of casino gaming apparatus, quantity of casino gaming apparatus played, time spent on each casino gaming apparatus, and money spent on each casino gaming apparatus.

13 . A method for cashless and tokenless access to a plurality of casino gaming apparatus, said method comprising the steps of:

- (a) providing a tokenless biometric registration apparatus having at least one registration biometric input means for a user to input a biometric sample, said biometric registration apparatus having at least one payment input means, said biometric registration apparatus connected to a central computer having a central

- data repository;
- (b) providing the plurality of gaming apparatus, each gaming apparatus connected to said central computer, each gaming apparatus having at least one gaming apparatus biometric input means and a player logoff means;
  - (c) registering a player comprising the steps of inputting at least one biometric sample of the player into the registration biometric input means, storing unique biometric data created by the biometric input means in the central data repository, inputting into the payment input means an amount of money, and storing the amount of money input in a unique player's account in the central computer associated with the at least one biometric sample of the player;
  - (d) identifying said player at one of said plurality of gaming apparatus by said player entering a gaming apparatus biometric sample input into said one of said plurality of gaming apparatus biometric input means and comparing it to said unique biometric data stored in said central data repository;
  - (e) authorizing said player at said one of said plurality of gaming apparatus to play on said one of said plurality of gaming apparatus;
  - (f) debiting and or crediting said unique player's account based on the player's wins and losses at the gaming apparatus until said player logs off using said player logoff means or until said player's account is exhausted;
  - (g) paying said player any money remaining in said player's account after said player no longer desires to play; and
  - (h) purging the unique biometric data and the unique player's account from the

central computer after the step of paying said player any money remaining in said player's account, to provide for privacy of the player;

whereby a player can move to another of the plurality of gaming apparatus, input a biometric sample into one of the at least one gaming apparatus biometric input means, play the gaming apparatus for a period of time, and log off the gaming apparatus, said unique player's account being credited and debited for wins and losses on the gaming apparatus.

14. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, including the step of providing a keypad on the biometric registration apparatus for using a PIN and wherein the step of registering a player includes entering a PIN.

15. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, wherein the step of providing the plurality of gaming apparatus includes providing gaming apparatus having a video screen for displaying information related to the player's unique player's account.

17. A method for cashless and tokenless access to a financial account, said method comprising the steps of:

- (a) providing a tokenless biometric registration apparatus having at least one registration biometric input means for a user to input a biometric sample, said biometric registration apparatus having at least one payment input means, said biometric registration apparatus connected to a central computer having a central

- data repository;
- (b) providing a plurality of kiosks, each kiosk connected to said central computer, each kiosk having at least one kiosk biometric input means;
  - (c) registering a user comprising the steps of inputting at least one biometric sample of the user into the registration biometric input means, storing unique biometric data created by the biometric input means in the central data repository but not associating the unique biometric data with other details of identity of the player, inputting into the payment input means an amount of money, and storing the amount of money input in a unique user's account in the central computer associated solely with the at least one biometric sample of the user;
  - (d) identifying said user at one of said plurality of kiosks by said user entering a kiosk biometric sample input into said one of said plurality of kiosk biometric input means and comparing it to said unique biometric data stored in said central data repository;
  - (e) authorizing said user at said one of said plurality of kiosks to access said unique user's account for a transaction;
  - (f) debiting and or crediting said unique player's account based on the transaction;  
and
  - (g) paying said user any money remaining in said user's account, when said user desires to cancel said unique user's account.

18. A method for cashless and tokenless access to a financial account according to claim 17,

where the steps including providing the registration biometric input means and the kiosk biometric input means that utilize fingerprints, hand prints, retina scans, or voice prints.

19. A method for cashless and tokenless access to a financial account according to claim 17, where the step including providing the payment input means includes providing a payment input means that accepts credit cards, debit cards, or money access cards.

20. A method for cashless and tokenless access to a financial account according to claim 17 where the step including providing the payment input means includes providing a payment input means that accepts currency.

21. A method for cashless and tokenless access to a financial account according to Claim 17, including the step of purging the unique biometric data and the unique user's account from the central computer after the step of paying said user any money remaining in said user's account, to provide for privacy of the user.

22. A method for cashless and tokenless access to a financial account according to claim 17, including the step of providing a keypad on the biometric registration apparatus for using a PIN and wherein the step of registering a user includes entering a PIN.

23. A method for cashless and tokenless access to a financial account according to claim 17, wherein the step of providing the plurality of kiosks includes providing kiosks having a video

screen for displaying information related to the user's unique user's account.

24. A method for cashless and tokenless access to a plurality of casino gaming apparatus, said method comprising the steps of:

- (a) providing the plurality of gaming apparatus, each gaming apparatus connected to a central computer having a central data repository, each gaming apparatus having at least one gaming apparatus biometric input means and a money input means;
- (b) allowing a player to play on any of said gaming apparatus by inputting money into said money input means;
- (c) after the player plays on a gaming apparatus, registering said player comprising the steps of inputting at least one biometric sample of the player into the gaming apparatus biometric input means, storing unique biometric data created by the biometric input means in the central data repository but not associating the unique biometric data with other details of identity of the player, crediting to a unique player's account in the central computer an amount of money associated with the at least one biometric sample of the player;
- (d) allowing a player to play on another of said gaming apparatus by inputting money into said money input means or by accessing said unique player's account of said player by inputting said biometric sample of said player into the gaming apparatus biometric input means and comparing said biometric sample to said unique biometric data stored in said central data repository;
- (e) debiting and or crediting said unique player's account based on the player's wins

and losses at said another gaming apparatus until said player logs off by exhausting his account, collecting his winnings, or until said player inputs the biometric sample of said player into said gaming apparatus biometric input means; and

- (f) comparing said biometric sample to said biometric data stored in said central data repository and crediting or debiting said unique player's account accordingly;

whereby a player can move to another of the plurality of gaming apparatus, input a biometric sample into one of the at least one gaming apparatus biometric input means, play the gaming apparatus for a period of time, and log off the gaming apparatus, said unique player's account being credited and debited for wins and losses on the gaming apparatus.

25. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the step of paying said player money remaining in said player's account includes providing a payout machine having a payout biometric input means.

26. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 25, where the step of providing the payout machine includes providing a payout machine that is integral to at least one of said casino gaming apparatus.

27. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the steps including providing the gaming apparatus biometric input means that utilizes fingerprints, hand prints, retina scans, or voice prints.

28. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the step including providing the payment input means includes providing a payment input means that accepts credit cards, debit cards, or money access cards.

29. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the step including providing the payment input means includes providing a payment input means that accepts currency.

30. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the step of providing the plurality of gaming apparatus includes providing slot machines and video gaming machines.

31. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the step of providing the plurality of gaming apparatus includes providing generic access machines.

32. A method for cashless and tokenless access to a plurality of casino gaming apparatus, said method comprising the steps of:

- (a) providing a tokenless biometric registration apparatus having at least one registration biometric input means for a user to input a biometric sample, said biometric registration apparatus having at least one payment input means, said biometric registration apparatus connected to a central computer having a central



data repository;

- (b) providing the plurality of gaming apparatus, each gaming apparatus connected to said central computer, each gaming apparatus having at least one gaming apparatus biometric input means and a player logoff means;
- (c) registering a player comprising the steps of inputting at least one biometric sample of the player into the registration biometric input means, storing unique biometric data created by the biometric input means in the central data repository, inputting into the payment input means an amount of money, and storing the amount of money input in a unique player's account in the central computer associated with the at least one biometric sample of the player;
- (d) identifying said player at one of said plurality of gaming apparatus by said player entering a gaming apparatus biometric sample input into said one of said plurality of gaming apparatus biometric input means and comparing it to said unique biometric data stored in said central data repository;
- (e) authorizing said player at said one of said plurality of gaming apparatus to play on said one of said plurality of gaming apparatus;
- (f) debiting and or crediting said unique player's account based on the player's wins and losses at the gaming apparatus until said player logs off using said player logoff means or until said player's account is exhausted; and
- (g) paying said player any money remaining in said player's account after said player no longer desires to play;

whereby a player can move to another of the plurality of gaming apparatus, input a

biometric sample into one of the at least one gaming apparatus biometric input means, play the gaming apparatus for a period of time, and log off the gaming apparatus, said unique player's account being credited and debited for wins and losses on the gaming apparatus.



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Application Number	09/552,887
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First Named Inventor	Gregory Kowalick
Art Unit	3628
Examiner Name	Harish T. Dass
Attorney Docket Number	G1131/20001

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☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 165.00

**Complete if Known**

Application Number	09/552,887
Filing Date	April 20, 2000
First Named Inventor	Gregory Kowalick
Examiner Name	Harish T. Dass
Art Unit	3628 Conf. 5005
Attorney Docket No.	G1131/20001

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03-0075

Caesar, Rivise et al.

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1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$ )			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

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**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	165.
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 165.00

**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	GARY A. GREENE	Registration No. (Attorney/Agent)	38,897	Telephone	215-567-2010
Signature		Date	Sept. 28, 2004		

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